

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-209364

DATE: October 25, 1982

MATTER OF: Rowe Contracting Service, Inc.

DIGEST:

Protest of alleged improprieties in solicitation, which should have been apparent to the protester, the incumbent contractor, on receipt of the solicitation is dismissed as untimely since protest was not filed in GAO prior to closing date for receipt of proposals.

Rowe Contracting Service, Inc. protests the award of a contract by the U.S. Army Contracting Agency, Europe, to the apparent low bidder under solicitation No. DAJA37-82-R-0811 for janitorial services.

Rowe, the incumbent contractor, by letter received in our office on October 5, 1982, makes two contentions: (1) the solicitation specifications were deficient in that they erroneously stated the square footage for daily service with respect to at least two buildings, and (2) the solicitation was not set aside for small business concerns.

Rowe's protest is untimely.

Under our Bid Protest Procedures any protest based on alleged improprieties in any type of solicitation which are apparent prior to the closing date for receipt of initial proposals must be filed (received) in GAO prior to that date. The agency advises that September 11, 1982, was the date for receipt of initial proposals. The improprieties of which Rowe, the incumbent contractor, complains should have been apparent to it prior to that date. Since the protest was filed long after September 11, it is untimely and will not be considered on the merits.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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